AMENDMENT TO THE DRAWINGS:

The attached drawing sheets include changes to Figure 3 and replaces the original sheet.

Attachments: One (1) Annotated Sheet

One (1) Replacement Sheet

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 1-22 remain pending. By this communication, the drawings and claims 8 and 16 are amended.

In numbered paragraph 1 on page 2 of the Office Action, the Examiner objected to the drawings for allegedly failing to show a feature recited in the claims. Applicant respectfully traverses this rejection. However, in an effort to expedite prosecution Figure 3 has been amended for clarity. Accordingly, withdrawal of this rejection is respectfully requested.

In numbered paragraph 3 on page three of the Office Action, claims 8 and 16 stand rejected under 35 U.S.C. §112, second paragraph, for an alleged omission of essential subject matter. Applicant respectfully traverses this rejection. However, in an effort to expedite prosecution each of claims 8 and 16 are amended to address the Examiner's concerns. Withdrawal of this rejection therefore is respectfully requested.

In numbered paragraph 5 on page 3 of the Office Action, claims 1-6, 11-14, 19, and 20 stand rejected under 35 U.S.C. §102(b) for alleged anticipation by *Erickson* (U.S. Patent No. 4,623,859). Applicant respectfully traverses this rejection.

As discussed in a previous response, Applicant's figures and specification disclose exemplary apparatus for actuating an electrical switching device. The apparatus includes a first lever 16 as affixed to a drive shaft 18 of an electric motor. The first lever 16 is fixed transversely with respect to the drive shaft 18 and acts on a second lever 12 via a connecting rod 14. The second lever 12 is fixed transversely to a rotating shaft 10 of a switching device. An actuating lever 42 is fixed

transversely to the rotating shaft 10 and actuates a moving contact piece of a switching chamber 40 via an insulating rod 44.

Applicant's claims broadly encompass the aforementioned features by reciting an apparatus for actuating an electrical switching device comprising, in part, an electric motor having a rotating drive shaft that is coupled to a rotating shaft for the switching device for driving the rotating shaft to switch the switching device on and off.

Contrary to the Examiner's assertions, the *Erickson* patent fails to establish a *prima facie* case of anticipation with respect to Applicant's claims. The *Erickson* patent discloses a circuit breaker that includes a remote control assembly. The *Erickson* patent describes this configuration as follows:

> The remote control assembly, indicated generally as numeral 68, comprises a motor 70, coil or gear spring 72, actuator 74 and toggle switch 76. The gear spring 72 is solidly connected with the motor shaft 78 by opening by the gear spring 72 and sliding the motor shaft 78 inside. When the gear spring 72 is released, it creates a torsional pressure fit with the motor shaft 78 so that the gear spring rotates simultaneously with the motor. The second end of the gear spring 72 rotates freely within a support 80.
>
> As the actuator 74 rotates about a pivot 84, a position indicator 86 is operated, as will be described later. An operating rod 88, having two bent ends, transfers the movement of the actuator 74 to the carrier 18. The operating rod 88 rests between two raised nubs 90 on the actuator 74, with the first bent end 92 fitting around one of the nubs 90. The second bent end 94 of the operating rod 88 fits within a hole 96 in the carrier 18. The length of the operating rod 88 allows some space between the first end 92 and the nub 90 to accommodate any movement of the carrier towards the stationary contact 14 due to erosion of the contacts.
>
> * * *
>
> The movement of the actuator 74 towards the motor causes the operating rod 88 to move the carrier 18 away from the stationary contact 14 to a partial open position. The carrier 18 is moved a distance less than that required to move the spring 30 past the equilibrium position, which would snap the operating handle 20a and carrier 18 to the fully open position. Once the contacts are in the fully open position, the circuit breaker cannot be closed from a remote location. See col. 3, line 61 through col. 4, line 14, col. 4, lines 26-34.

The Examiner alleges that the operating rod 88 as described in the *Erickson* patent is analogous to Applicant's claimed rotating shaft. Applicant disagrees since the operating rod 88 is not described as rotating or pivoting about an axis within the

circuit breaker. Rather, the operating rod 88 describes as transferring the movement of actuator 74 to the carrier 18. Because the operating rod 88 is substantially straight rod having two bent ends, it appears that the rod transfers the rotating force of the actuator 24 to the carrier 18 through a translational force. There appears to be no teaching or suggestion in the *Erickson* patent or of record that would lead one of ordinary skill to rationalize or reason that the operating rod rotates about an axis to apply a force to the carrier 18. For this reason, a *prima facie* case of anticipation has not been established.

The Examiner is reminded that to properly anticipate a claim, the document must disclose, explicitly or implicitly, each and every feature recited in the claim. *See* Verdegall Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). For at least these reasons, withdrawal of this rejection is respectfully requested.

In numbered paragraphs 7 and 8 beginning on page 4 of the Office Action, Applicant's claims are variously rejected under 35 U.S.C. §103. For example, in numbered paragraph 7 claims 7 and 15 stand rejected under 35 U.S.C. §103(a) for alleged unpatentability over the *Erickson* patent. In numbered paragraph 8, claims 9-10, 17-18, and 21-22 stand rejected under 35 U.S.C. §103(a) for alleged unpatentability over the *Erickson* patent in view of *Mody* (U.S. Patent No. 6,787,937).

Each of the foregoing claims depend either directly or indirectly from independent claim 1. By virtue of at least this dependency, and the fact that the *Erickson* patent fails to disclose or suggest the claimed combination of the features recited in claim 1, Applicant respectfully submits that these dependent claims are also allowable. Stated differently, the *Erickson* and *Mody* patents when applied

individually or collectively as alleged by the Examiner, fail to establish a *prima facie* case of obviousness with respect to Applicant's claims. For these reasons, withdrawal of these rejections is respectfully requested.

Based on at least the foregoing amendments and remarks, Applicants submit that claims 1-22 are allowable, and this application is in condition for allowance. Accordingly, Applicants request a favorable examination and consideration of the instant application. In the event the instant application can be placed in even better form, Applicants request that the undersigned attorney be contacted at the number below.

Respectfully submitted,

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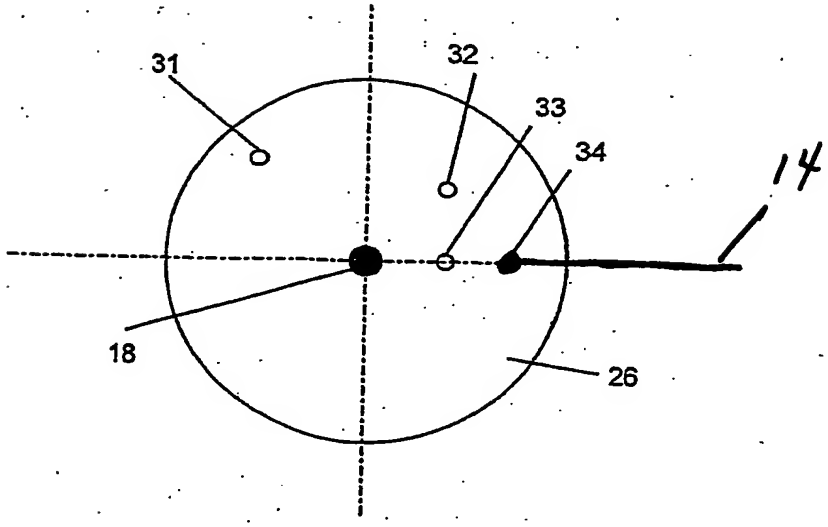

Fig. 3

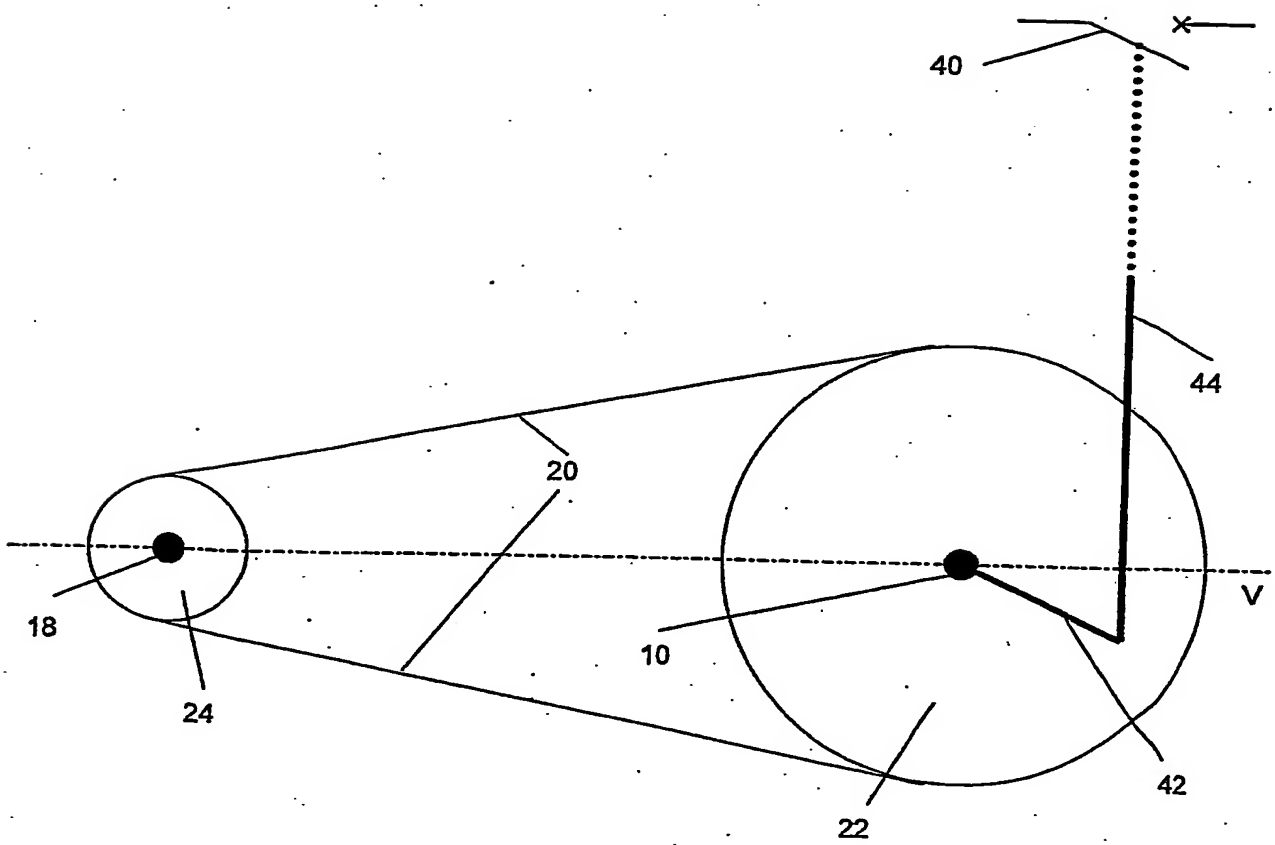

Fig. 4